

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-6, 8-12, 15-22, 24-26 and 29 remain in the application. Claims 7, 13-14, 16-17, 23, and 27-28 have been cancelled. Claims 29-32 are new and consideration of new claims 29-32 is respectfully requested.

Claim 1, 20 and 26 have been amended to state that the relative arrangement of the claimed pile element and reinforcement element are maintained during the whole service time of the foundation. Support for these amendments is provided by paragraphs [0023] and [0043] which describe the condition of the apparatus at the time dismantling begins, which is also the end of the service life of the foundation.

Claim 2 has been amended to state the reinforcement element (outer tube) has a greater length than the pile element (inner tube). Please see the description of paragraph [0064] of the substitute specification for support.

Claim 29 states that the claimed junction piece extends into the gap between the reinforcement element and the pile element, please see the figures which clearly show this condition.

Claim 30 indicates that the connection of claim 1 being adapted to transmit bending moments is a concrete bond between the junction piece and the pile element and the junction piece and the reinforcement element. Please see the

description of paragraph [0031] of the substitute specification for support, as well as the figures.

Claim 31 indicates that the connection of claim 20 between the junction piece and pile like device is a concrete bond between the junction piece and the pile element or the junction piece and the reinforcement element.

Claim 32 indicates that the connection of claim 26 between the junction piece and pile like device is a concrete bond between the junction piece and the pile element and the junction piece and the reinforcement element.

The drawings have been objected to for not illustrating the claimed term "spacers". Claim 13 has been cancelled and is the only claim including reference to "spacers". The drawings have also been objected to for failing to show how bending moments can be transmitted from the construction to the pile like device. Claim 1, and other similar independent claims has been amended to state that bending moments are transmitted between the pile like device and junction piece via a concrete bond (see Fig. 1b element 10b or Fig. 3 element 30b). The junction piece is shown as connected to the construction in Figs 1a and 1b. Reconsideration and withdrawal of the objection to the drawings is requested.

Claims 1-4, 6, 8-12, 15-18, 20-22 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 4,992,002 to DeWitt (hereinafter DeWitt). For the following reasons, the rejection is traversed.

Independent claim 1 has been amended to state:

at least one reinforcement element that is constructed and disposed such that, between the reinforcement element and the pile element, a gap is formed, the relative arrangement of the pile element and reinforcement element being maintained during the whole service time

of the foundation,

The method of Claim 20 has been amended in a similar manner. The Office action states that in DeWitt, the mandrel 10 is the equivalent of the claimed pile element and the sheath 40 is the equivalent of the claimed reinforcement element. Clearly, in DeWitt, the mandrel 10 and sheath 40 move relative to one another during the formation of the piling and both are completely removed after the formation of the piling. Thus the teachings of DeWitt are not considered to meet the requirements of independent claims 1 and 20, as amended.

Claim 2 includes the feature of the reinforcement element having a greater length than the pile element. As defined by the Office action, the corresponding feature in DeWitt have an opposite length relationship.

Claims 3-4, 6, 8-12 and 15-18 depend directly or indirectly from claim 1 and are believed to be allowable at least for the reasons stated above with respect to claim 1.

Claims 21, 22 and 24 depend directly or indirectly from claim 20 and are believed to be allowable at least for the reasons stated above.

Reconsideration and withdrawal of the rejection of claims 1-4, 6, 8-12, 15, 18, 20-22 and 24 under 35 U.S.C. 102(b) over DeWitt is respectfully requested.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over DeWitt. Claim 5 depends from claim 1 and is believed to be allowable at least for the reasons stated above with respect to claim 1. Reconsideration and withdrawal of the rejection of claim 5 under 35 U.S.C. §103(a) is respectfully requested.

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over DeWitt in view of U.S. 3,851,483 to Holley Jr. (hereinafter Holley). Claim 13 has

been cancelled.

Claims 19, 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over DeWitt in view of U.S. 4,257,721 to Haynes (hereinafter Haynes).

Claim 19 depends from claim 1 and is believed to be allowable at least for the reasons stated above. The proposed combination does not teach or suggest:

at least one reinforcement element that is constructed and disposed such that, between the reinforcement element and the pile element, a gap is formed, the relative arrangement of the pile element and reinforcement element being maintained during the whole service time of the foundation,

Haynes does not cure the deficiencies in DeWitt in regard to the claimed relative spatial relationship of the pile element and reinforcement element.

Claim 25 depends indirectly from claim 20 and is believed to be allowable at least for the reasons stated above. The proposed combination does not teach or suggest:

maintaining the relative arrangement of the pile element and reinforcement element during the whole service time of the foundation.

Haynes does not cure the deficiencies in DeWitt in regard to the claimed connection.

Claim 26 has been amended to include the feature:

wherein the relative arrangement of the pile element and reinforcement element is maintained during the whole service time of the foundation

Again, the proposed combination does not teach or suggest such a combination. As previously stated, DeWitt is deficient in this regard and Haynes fails

to cure the deficiencies of DeWitt.

Reconsideration and withdrawal of the rejection of claims 19, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over DeWitt in view of Haynes is respectfully requested.

New Claim 29 is believed to be allowable over the cited art. Specifically, claim 29 includes the feature that "the junction piece extends into the gap between the reinforcement element and the pile element". The annular junction piece of DeWitt, as described above, does not extend into a gap between the reinforcement element and pile element as defined by the Office action.

New claims 30-32 state that the claimed connection that is adapted to transmit bending moments is a concrete bond between the junction piece and the pile element and the junction piece and the reinforcement element. DeWitt does not disclose or teach such a connection between a junction piece and other elements. The Office action states that in DeWitt the junction piece is annular ring 42 and the pile element, mandrel 10. Clearly, annular ring 42 does not connect to mandrel 10, instead relative movement is required between these components in DeWitt. Haynes does not cure the deficiencies in DeWitt in this regard.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. SCH-16446.

Respectfully submitted,

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